

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHARLES POINTER,)
)
Plaintiff,)
)
v.) No. 4:04-CV-1031 CAS
)
HOME DEPOT,)
)
Defendant.)

ORDER

This matter is before the Court on review of the file. On June 27, 2004, plaintiff filed four motions to compel. As a preliminary matter, the Court notes that none of the motions contain a certificate of service showing that plaintiff has sent a copy of the documents to opposing counsel. Rule 5(d) of the Federal Rules of Civil Procedure requires that a certificate of service appear on all papers filed with the Court. A pro se litigant is not excused from complying with court orders or substantive and procedural law. Bennett v. Dr. Pepper/Seven Up, Inc., 295 F.3d 805, 808 (8th Cir. 2002). In the future, plaintiff shall include a certificate of service on all papers filed in this case, or the same will be returned to him by the Clerk of the Court and will not be filed.

Plaintiff's motions to compel also lack a necessary certification concerning a good faith effort to resolve the dispute without Court intervention. Eastern District Local Rule 3.04(A) provides:

The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

As stated above, this rule applies to plaintiff even though he is representing himself pro se. Because plaintiff has not complied with Local Rule 3.04(A), the Court will not consider the instant motions to compel and will deny the same without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motions to compel are **DENIED without prejudice** for failure to comply with Local Rule 3.04(A). [Doc. 14, 15, 16, 17]

IT IS FURTHER ORDERED that in the future, plaintiff shall include a certificate of service on all papers filed in this case, showing that he has mailed a copy of the papers to counsel for the defendant. See Rule 5(d), Fed. R. Civ. P.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 8th day of July, 2005.